CHARTERS AND STATUTES

OF THE

UNIVERSITY OF PENNSYLVANIA.

PHILADELPHIA:
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CHARTER

OF THE

COLLEGE OF PHILADELPHIA,

IN PENNSYLVANIA.

CHARTER

To Thomas Lawrence and others, to be Trustees of the Academy and Charitable School in the Province of Pennsylvania.—13*th July*, 1753.

Preamble.

THOMAS PENN and RICHARD PENN, true and absolute proprietors and governors in chief of the province of Pennsylvania and counties of New Castle, Kent, and Sussex, on Delaware, To all persons to whom these presents shall come, greeting: *Whereas*, the well being of a society depends on the education of their youth, as well as, in great measure, the eternal welfare of every individual, by impressing on their tender minds principles of morality and religion, instructing them in the several duties they owe to the society in which they live, and one towards another, giving them the knowledge of languages, and other parts of useful learning necessary thereto, in order to render them serviceable in the several public stations to which they may be called. *And whereas*, it hath been represented to us by Thomas Lawrence, William Allen, John Inglis, Tench Francis, William Masters, Lloyd Zachary, Samuel M'Call, junior, Joseph Turner, Benjamin Franklin, Thomas Leech, William Shippen, Robert Strettell, Philip Syng, Charles Willing, Phineas Bond, Richard Peters, Abraham Taylor, Thomas Bond, Joshua Maddox, William Plumstead, Thomas White, William Cole-

man, Isaac Norris, and Thomas Cadwalader, of our city of Philadelphia, gentlemen, that for the erecting, establishing, and maintaining an academy within our said city as well to instruct youth for reward, as poor children whose indigent and helpless circumstances demand the charity of the opulent part of mankind, several benevolent and charitable persons have generously paid, and by subscriptions promised hereafter to pay into their hands as trustees, for the use of the said academy, divers sums of money, which sums already paid, they, the said trustees, have expended in the purchase of lands well situated, and a building commodious for the uses aforesaid, within our said city in maintaining an academy there as well for the instruction of poor children on charity, as others whose circumstances have enabled them to pay for their learning, for some time past, and in furnishing the said academy with books, maps, mathematical instruments, and other necessaries of general use therein, according to the intentions of the donors. *And whereas,* the said trustees to facilitate the progress of so good a work, and to perfect and perpetuate the same, have humbly besought us to incorporate them and their successors.*

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* On the 15th of September, 1740, Jonathan Price conveyed to Edmond Wooley, John Coats, John Howell, and William Price, a lot of ground containg 150 feet on the west side of Fourth, between Market and Mulberry streets, and in depth 198 feet. A considerable number of persons of different denominations in religion, having united to erect a large building on the lot, intending that the same should be appointed to the use of a charity school for the instruction of poor children *gratis*, in useful literature and of the Christian religion, and also that the same should be used as a house of public worship, and that the use of said building should be under the direction of certain trustees, viz. George Whitfield, William Seward, John S. Benezet, Thomas Noble, Samuel Hazard, Robert Eastburn, James Read, Edward Evans, and Charles Brockden; who were "to appoint fit and able schoolmasters and schoolmistresses for the service of said school, and introduce such Protestant ministers to preach therein as they should judge sound in principles, zealous and faithful in the discharge of their duty, and acquainted with the religion of the heart, and experimental piety, without any regard to those distinctions of different sentiments in lesser matters, which have, to the scandal of religion, unhappily divided real christians"—to preserve the said lot and buildings which then were or should thereafter be erected thereon, the said Edmond Wooley, &c. by deed of the 14th November, 1740, to George Whitfield, &c. did declare that they would thenceforth stand seised of said lot, &c. in trust for the said George Whitfield and others, their heirs, &c.

Now know ye, That we favouring such pious, useful, generous, and charitable designs, hoping through the favour of Almighty God, this academy may prove a nursery of virtue and wisdom, and that it will produce men of dispositions and capacities beneficial to mankind in the various occupations of life; but more particularly suited to the infant state of North America in general, and for

Trustees incorporated.

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and that they would convey the same to such persons and to such uses as the said George Whitfield, &c. should nominate and appoint; and then reciting that a large building had been erected on the premises, and to the end that the same should be applied to the good and pious purposes originally intended, the surviving *cestuique uses* appointed that the same should be conveyed to James Logan, Thomas Lawrence, William Allen, John Inglis, Tench Francis, William Masters, Lloyd Zachary, Samuel M'Call, jun. Joseph Turner, Benjamin Franklin, Thomas Leech, William Shippen, Robert Strettell, Philip Syng, Charles Willing, Phineas Bond, Richard Peters, Abraham Taylor, Thomas Bond, Thomas Hopkins, William Plumstead, Joshua Maddox, Thomas White, and William Coleman. On the 1st February, 1749, in pursuance of said appointment, Edmond Wooley and others, conveyed the premises to William Lawrence, &c, for the uses and trusts and subject to the agreement following.

"That in and upon the said ground, buildings, and premises, shall be placed, erected, founded, establised, or kept, by the said James Logan, &c. a house or place of public worship, and also one free school for the instructing, teaching, and education of poor children; and that the said James Logan, &c. and the survivors of them, and the assigns of such survivors shall have full power, licence, authority, at their will and pleasure, from time to time, and at all times hereafter, to nominate and appoint to be taught and instructed therein, such number of poor children as shall be suitable to the funds they shall have in their hands for that purpose, and to choose a committee of their number, yearly, to take special care of the said school, and likewise to nominate and appoint one or more learned, able, and sufficient person or persons as master or masters, usher or ushers, mistress or mistresses, to teach and instruct the said children gratis, in useful literature and the knowledge of the Christian religion; and likewise, from time to time, to introduce such preacher or preachers, whom they shall judge qualified, to preach and teach the word of God occasionally, in the said place of public worship, but yet, so as that no particular sect be fixed there as a settled congregation; and shall at all seasonable times, permit and suffer in his reasonable turn, any regular minister of the gospel to preach in the house or place on the premises which shall be set apart for public worship, who hath signed, or hereafter shall sign, certain articles of religion, annexed to the deed, and whom they shall moreover judge to be otherwise duly qualified as above, and particularly shall permit the free and uninterrupted use of the said place of worship to the Rev. Mr. George Whitfield, whenever he shall hap-

other causes and considerations us hereto specially moving, *have* granted, ordained, declared, constituted, and appointed, and by these presents *we do*, for us, our heirs, and successors grant, ordain, declare, constitute, and appoint, That the said Thomas Lawrence, Wiliam Allen, John Inglis, Tench Francis, William Masters, Lloyd Zachary, Samuel M'Call, junior, Joseph Turner, Benjamin Franklin, Thomas Leech, William Shippen, Robert Strettell, Philip Syng, Charles Willing, Phineas Bond, Richard Peters, Abraham Taylor, Thomas

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pen to be in the city, and desire to preach therein. And further, that the said James Logan, &c. shall and may, from time to time, and at all times hereafter, at their will and pleasure, make, set down, and appoint such rules and ordinances for the rule, government, and well ordering of the said place of public worship and school, and of the said master or masters, mistress or mistresses, usher or ushers, and children, for the time being, as to them or a majority of them the said James Logan, &c. shall seem meet and convenient, so as such rules or ordinance be consistent with, and shall not contain any matter or thing contradictory to the true intent and design of these presents. And further, that the said James Logan, &c. shall have full power to found, erect, establish, and continue, in and upon the said house and premises, such other school, academy, college, or other seminary of learning, for instructing youth in the languages, arts and sciences, and generally to improve the premises to such other use or uses for the benefit of mankind and the good of society as to them shall seem meet, so that the same be not inconsistent with the above declared originally intended uses which are *bona fide* to be always fulfilled and preserved, and never impeded, interrupted, or discontinued. And further, that the said James Logan, &c. shall be governors, rulers, directors, and trustees, for the purpose herein contained and mentioned, until a charter of corporation from the governor of this province of Pennsylvania, for the time being, to the said trustees, or the survivors of them, or their assigns, shall be obtained for the uses and intents herein contained. And as often as any ten or more of them the said James Logan, &c. or their successors, shall happen to die, the survivors of them shall by good and sufficent conveyance or conveyances, assurance or assurances, in the law, convey and assure all the said ground and buildings thereon erected, or to be built and erected, with the appurtenances in fee simple, to and upon the same uses, trusts, intents, and purposes, and subjected to and under the same covenants and agreements herein contained and specified, to twenty-four lawful, true, and honest christian men, to be named and appointed by the majority of the survivors of them the said James Logan, &c. for the uses, trusts, intents, and purposes aforesaid, so that if possible, there may always forever heareafter, be the number of twenty-four such persons in being, to rule, govern, order, and direct, in, about, and concerning the premises, and the good purposes hereby intended."

Bond, Joshua Maddox, William Plumstead, Thomas White, William Coleman, Isaac Norris, and Thomas Cadwalader and such others, as shall be from time to time chosen, nominated, or elected in their place and stead, shall be one community, corporation, and body politic, to have continuance for ever, by the name of The Trustees of the Academy and Charitable School in the province of Pennsylvania, and that by the same name, they shall have perpetual succession, and that they and their successors by that name, shall be able and capable in law to purchase, have, take, receive, and enjoy to them and their successors in fee and in perpetuity, or for any other or lesser estate or estates, any manors, lands, tenements, rents, annuities, pensions, or other hereditaments within the said province of Pennsylvania or three lower counties of New Castle, Kent, and Sussex, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation, or devise of any person or persons, bodies politic or corporate, capable to make the same. *And further*,, that they may take and receive any sum or sums of money, or any kind, manner, or portion of goods or chattels that shall to them be given, granted or bequeathed by any person or persons, bodies politic or corporate, capable to make a gift, grant, or bequest thereof; and therewith to erect, set up, maintain, and support an academy or any other kind of seminary of learning in any place within the said province of Pennsylvania, where they shall judge the same to be most necessary and convenient for the instruction, improvement, and education of youth in any kind of literature, erudition, arts, and sciences, which they shall think fitting and proper to be taught. *And we do* hereby grant and ordain, That the said trustees and their successors by the name aforesaid, shall be able in law to sue and be sued, plead and be impleaded in any court or courts, before any judge, judges, or justices within the said province of Pennsylvania, the three lower counties of New Castle, Kent, and Sussex, and elsewhere; in all and all manner of suits, complaints, pleas, causes, matters, and demands of whatsoever kind, nature, or form they be; and all and every other matters and things therein to do in as full, ample, and effectual a manner, as any other person or persons, bodies politic or corporate within that part of the kingdom of Great Britain called England, or within the said province of Pennsylvania, of three lower counties in the like cases may or can do. *And we do* hereby give and grant unto the said trustees and

To sue, &c.

To have a common seal.

their successors, full power and authority to make, have, and use a common seal with such stamp and inscription as they shall think proper; and the same to change, break, alter, and renew at their pleasure. (*And further,* in order to continue and perpetuate this community and corporation, *We do grant, ordain, and declare,* that when any one or more of the present or future trustees of this academy and school, shall remove his or their habitation or habitations, and shall dwell at the distance of five miles from the seat of the said academy at that time, or shall go and reside out of the province of Pennsylvania, although at a place nearer to the said academy than five miles, or shall happen to die or be otherwise disabled from performing the office and duty of a trustee or trustees, the other trustees shall, as soon after as conveniently can, proceed to elect and choose one or more fit person or persons, then residing within five miles of the said academy, and within the said province, to fill the place or places of such absenting, deceased, or disabled person or persons.)* *And we do also,* for us, our heirs, and successors, give and grant to the said trustees and corporation, and their successors, full power and authority *in* all time and times coming, to make, ordain, and enact all such rules, ordinances, laws, and statutes, and from time to time to alter and amend the same as they shall judge most convenient, reasonable, and needful for the good government of the said community, the management of the affairs thereof, and the effectual promotion of the good ends hereby intended; *provided always,* That the said rules, ordinances, laws, and statutes, be not repugnant to the laws and statutes then in force in the kingdom of Great Britain, or to the laws then in force in our said province of Pennsylvania. *And lastly,* We do, for us and our successors, grant, declare, and ordain, That these our letters patent and charter, and every clause, sentence, and article herein contained shall be in all things firm, valid, sufficient, and effectual in the law unto the said trustees, community, and corporation, and their successors, according to the purport and tenor hereof, without any further grant or toleration from us, our heirs, or successors, to be procured or obtained. *In witness* whereof, we have caused these our letters to be made patent; *witness,* James Hamilton, Esq. lieutenant governor and commander in chief, in and over the said province of Pennsylvania, at the city

In case of the removal, &c., of a trustee, his seat vacated.

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* This part of the section is omitted in the additional charter, 1755, *post.*

of Philadelphia, the thirteenth day of July, in the twenty-seventh year of the reign of our sovereign lord George the second, who now is king of Great Britain, France, and Ireland, &c. and in the year of our Lord, one thousand seven hundred and fifty-three. 1753.

JAMES HAMILTON, (L. S.)

Recorded 16th July, 1753, in Commission Book, Book A, vol. 2, page 150.

ADDITIONAL CHARTER.

16TH JUNE, 1755.

Thomas Penn and Richard Penn, true and absolute proprietaries of the province of Pennsylvania, and counties of New Castle, Kent and Sussex, on Delaware, to all persons to whom these presents shall come, greeting:

Preamble.

Whereas it was heretofore represented to us, by Thomas Lawrence, William Allen, John Inglis, Tench Francis, William Masters, Lloyd Zachary, Samuel M'Call, junior, Joseph Turner, Benjamin Franklin, Thomas Leech, William Shippen, Robert Strettell, Philip Syng, Charles Willing, Phineas Bond, Richard Peters, Abraham Taylor, Thomas Bond, Joshua Maddox, William Plumstead, Thomas White, William Coleman, Isaac Norris and Thomas Cadwalader, of our city of Philadelphia, gentlemen; That they had, at their own expense, and by the donations of many well disposed persons, set up and maintained an academy within our said city, as well for instructing youth for reward, as poor children on charity, and praying us to incorporate them and their successors, for the more effectual carrying on and establishing the same:—

Trustees incorporated.

And whereas we, being desirous to encourage such pious, useful, and charitable designs, hoping that the said academy, through the blessing of Almighty God, would prove a nursery of wisdom and virtue, and be the means of raising up men, of dispositions and qualifications beneficial to the public, in the various occupations of life, and for other causes and considerations us thereto specially moving, did, for us, our heirs and successors, by our charter, under the great seal of our said province, grant, ordain, declare, constitute and appoint, That the said Thomas Lawrence, William Allen, John Inglis, Tench Francis, William Masters, Lloyd Zachary, Sam-

uel M'Call, junior, Joseph Turner, Benjamin Frankin, Thomas Leech, William Shippen, Robert Strettell, Philip Syng, Charles Willing, Phineas Bond, Richard Peters, Abraham Taylor, Thomas Bond, Joshua Maddox, William Plumstead, Thomas White, William Coleman, Isaac Norris and Thomas Cadwalader, and their successors, duly elected and nominated in their place and stead, should be one corporation and body politic, to have continuance for ever, by the name of The Trustees of the Academy and Charitable School in the province of Pennsylvania, capable to purchase and hold lands, to receive donations, to sue and be sued, to have and to use a common seal, to make rules and statutes, and to do every thing needful for the good government and perfect establishment of the said academy, or of any other kind of seminary of learning, which they should think fit to erect, maintain and support, in any place within the said province of Pennsylvania, for the instruction of youth in any kind of literature, arts and sciences, as by our said charter, enrolled in our recorder's office for the said province, at the city of Philadelphia aforesaid, may more fully and at large appear.

Confirmation of the first charter.

Now know ye, That we do, for us, our heirs and successors, by these presents, approve of, ratify and fully confirm to the said trustees and their successors, all and singular the premises, together with all and singular the matters, clauses, sentences and articles contained in our said letters patent and charter, excepting only one article,* by these our present letters and charter altered and changed.

One article excepted.

Wherefore, by the advice and consent of the said trustees, know ye, That we do will and ordain, that the present trustees of the said academy, to wit: James Hamilton, William Allen, John Inglis, Tench Francis, William Masters, Lloyd Zachary, Samuel M'Call, junior, Joseph Turner, Benjamin Franklin, Thomas Leech, William Shippen, Robert Strettell, Philip Syng, Phineas Bond, Joshua Maddox, William Plumstead, Thomas White, William Coleman, Thomas Cadwalader, Alexander Stedman and John Mifflin, and such other persons as shall from time to time be nominated or chosen in their place and stead, according to the order and direction of our said recited letters and charter, shall be one community, corporation and body politic, to have continuance forever, by the name of "*The Trustees of the College, Academy and Charitable School of Phila-*

Style.

* Relating to the removal of trustees from the city, &c. See page 8.

delphia, in the Province of Pennsylvania, and that, by the same name, they shall have perpetual succession.

Recital of the articles of the charter.

And we do hereby, for us, our heirs and successors, grant, ordain and declare, That the said trustees and their successors, by that name, shall be able and capable in law, to purchase, have, receive, take, hold and enjoy, to them and their successors in fee and perpetuity, or for any other lesser estate or estates, any manors, lands, tenements, rents, annuities, pensions or other hereditaments, within the said province of Pennsylvania, or three lower counties of New Castle, Kent and Sussex, upon Delaware, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons, bodies politic or corporate, capable to make the same; and such manors, lands, tenements, rents, annuities, pensions or other hereditaments, or any lesser estates, rights or interests of or in the same, at their pleasure to grant, alien, sell and transfer in such manner and form as they shall think meet and convenient; and further, that they may take and receive any sum or sums of money, and any kind, manner or portion of goods and chattels that shall be given, sold or bequeathed to them by any person or persons, bodies politic or corporate, capable to make a gift, sale or bequest thereof, and therewith to erect, set up and maintain any other kind of seminary of learning, in any place within the said province of Pennsylvania, where they shall judge the same most necessary and convenient for the instruction, improvement and education of youth, in any kind of literature, arts and sciences, which they shall think proper to be taught.

Trustees to purchase and take lands, &c.

And to alien the same.

To maintain any other kind of seminary.

And we do hereby grant and ordain, That the said trustees and their successors, by the name in this charter mentioned, shall be able in law to sue and be sued, plead and be impleaded in any court or courts, before any judge, judges or justices within our said province of Pennsylvania, the three lower counties of New Castle, Kent and Sussex, on Delaware, and elsewhere, in all and all manner of suits, complaints, pleas, causes, matters and demands, of whatsoever kind, nature or form they be; and all and every other matter and thing therein to do, in as full and effectual a manner as any other person or persons, bodies politic or corporate, within that part of Great Britain called England, or within the said province of Pennsylvania, or three lower counties aforesaid, in the like cases may or can do.

May sue, &c.

To have public and privy seal.

And we do hereby give and grant unto the said trustees and their successors, full power and authority to make, have and use one common public seal, and likewise one privy seal, with such devices and inscription as they shall think proper; and the same, or either of them, to change, break, alter and renew at their pleasure.

Preamble to the additional powers.

And whereas the said trustees have, by their petition to ROBERT HUNTER MORRIS, ESQ., our Lieutenant Governor and Commander in Chief in and over our said province of Pennsylvania, and counties of New Castle, Kent and Sussex, on Delaware, represented, That since our granting our said recited charter, the academy therein mentioned, by the blessing of Almighty God, is greatly improved, being now well provided with masters, not only in the learned languages, but also in the liberal arts and sciences, and that one class of hopeful students has now attained to that station in learning and science, by which, in all well constituted seminaries, youth are entitled to their first *degree*, and which the said students are earnestly desirous to be admitted to; and that it is hoped, from the capacities and diligence of this class, they will hereafter merit admission to the higher degrees in the arts and sciences; from whence the said trustees reasonably expect a succession of youth in this college and academy, equally meritorious and deserving of such public honors, which are at the same time the strongest incentives to, and the justest rewards of diligence and merit; and therefore prayed an addition to our recited charter, to empower them and their successors to admit deserving students to the usual degrees, and to confer such dignity on the masters in the said seminary, as shall seem meet and necessary for its good government and establishment upon this enlargement of the design, for the benefit both of the present and future times. And we being willing to grant this reasonable request of the said trustees, and to give all proper encouragement to an institution so happily begun, and hitherto so successfully carried on, for the benefit of our said province, as well as the neighboring provinces and colonies in America:

Trustees to appoint a provost and vice-provost.

Now know ye also, That we do hereby, for us, our heirs and successors, give and grant full power and authority to the said trustees and their successors, from time to time, and at all times forever hereafter, in such manner, and under such limitations as they shall think best and most convenient, to constitute and appoint a Provost and Vice-Provost of the said college and academy, who shall be severally named and styled Provost and Vice-Provost of the same.

And also to nominate and appoint professors for instructing the students of the same seminary, in all the liberal arts and sciences, the ancient languages and the English tongue, who shall be severally styled Professor of such art, science, language or tongue, according to each particular nomination and appointment; which Provost, Vice-Provost and Professors, so constituted and appointed, shall be known and distinguished as one body and faculty, by the name of *The Provost, Vice-Provost and Professors of the College and Academy of Philadelphia, in the province of Pennsylvania;* and by that name shall be capable of exercising such powers and authorities as the said trustees and their successors shall think necessary to delegate to them, for the discipline and government of the said college, academy and charitable school: *Provided always,* That the said trustees, the Provost and Vice-Provost, and each Professor, before they shall exercise their several and respective powers or authorities, offices and duties, do and shall take and subscribe the three first written oaths appointed to be taken and subscribed, in and by one act of Parliament, passed in the first year of the reign of our late sovereign lord George the first, intituled, An Act for the further security of his Majesty's Person and Government; and the Succession of the Crown in the Heirs of the late Princess Sophia, being protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors; and shall also make and subscribe the declaration appointed to be made and subscribed by one other act of parliament, passed in the twenty-fifth year of the reign of king Charles the second, intituled, An Act for preventing dangers which may happen from popish recusants; excepting only the people called Quakers, who, upon taking, making, and subscribing the affirmations and declarations appointed to be taken, made and subscribed, by the acts of General assembly of the province of Pennsylvania, to qualify them for the exercise of civil offices, shall be admitted to the exercise of all and every the powers, authorities, offices and duties above mentioned, any thing in this provision to the contrary notwithstanding; all which oaths and affirmations we do hereby authorize and empower the lieutenant governor of our said province, or the mayor or recorder of the city of Philadelphia, aforesaid, or any two justices of the peace, for the time being, to administer.

Professors.

Faculty.

Trustees and faculty to take the oaths, &c.

Which said trustees, and their successors, being qualified as hereby directed, *we do, by these presents,* for us, our heirs, and successors,

establish in their several and respective offices, to have, hold, and enjoy, all and singular the privileges, liberties, advantages, powers, and immunities, herein or hereby given and granted, or meant, mentioned, or intended, to be herein or hereby given and granted, unto them and their sucessors for ever.

First provost and vice-provost.

And we do hereby, at the desire and request of the said trustees, constitute and appoint the Reverend William Smith, M. A. to be the first and present provost of the said college and academy, and the Reverend Francis Allison, M. A. to be the first and present vice-provost of the same, who shall also retain the name and style of Rector of the Academy; which offices the said persons shall have and hold only during the pleasure of the said trustees.

Meetings and quorums of the trustees.

And we do further, for us, our heirs, and successors, authorize the said trustees and their successors, to meet on such day or days, as they shall by their laws and statutes appoint, to examine the candidates for admission to degrees in the said college and academy, and also to transact, determine, and settle all the business and affairs of the same. And we do will and ordain, that at all those meetings, such a number of members so met and convened, as shall by the laws and statutes be authorized to transact any particular affairs or business, and the majority of them shall have full power to transact, determine, and settle such affairs and business, in as ample and effectual a manner as if all the said trustees were present; excepting always the nominating, constituting, and discharging the provost, vice-provost and professors, or any of them; in all and every of which acts, there shall be thirteen at least of the members of the said corporation present and consenting.

To make laws, and to empower the faculty to execute them.

And we do further, for us, our heirs, and successors, authorize and empower the said trustees, and their successors, met from time to time as aforesaid, to make laws and statutes to regulate, ascertain, and settle the precedence, powers, and duties of the said provost, vice-provost, (or rector) and professors, in the exeeution of the laws made, or to be made, for the edueation of the youth, and wholesome government of the said college, academy, and charitable school; and also by these laws and statutes, in such manner and form as they shall think convenient, to empower the provost, vice-provost and professors, for the time being, to make and exeeute ordinances, for preserving good order, obedience and government, as well among the students and scholars, as the several tutors, officers and ministers, belonging to the said college, academy and

To delegate to the faculty a power of making temporary laws.

charitable school; and further, by the said laws and statutes, to enact all other matters and things, in and concerning the premises, which may by the said trustees and their successors, be thought conducive to the well being, advancement and perpetuating the said college, academy and corporation; *provided always*, that the said laws be not repugnant to the laws and statutes then in force in the kingdom of Great Britain, nor to the laws and statutes then in force in our said province of Pennsylvania.

And we do further, for us, our heirs and successors, give and grant to the trustees of the said college and academy, That for animating and encouraging the students thereof to a laudable diligence, industry and progress in useful literature and science, they and their successors, met together on such day or days as they shall appoint for that purpose, shall have full power and authority, by the provost, and in his absence by the vice-provost, and in the absence of both the provost and vice-provost, by the senior professor, or any other fit person by them authorized and appointed, to admit any the students within the said college and academy, or any other person or persons meriting the same, to any degree or degrees, in any of the faculties, arts and sciences, to which persons are usually admitted, in any or either of the universities or colleges in the kingdom of Great Britain. *And we do ordain*, That the provost, vice-provost, or other person appointed as aforesaid, shall make, and with his name, sign diplomas or certificates of the admission to such degree or degrees, which shall be sealed with the public seal of the said corporation, and delivered to the graduates as honorable and perpetual testimonials thereof; *provided always*, and it is hereby declared to be our true meaning and express will, That no student or students, within the said college and academy, shall ever, or at any time or times hereafter, be admitted to any such degree or degrees, until such student or students have been first recommended and presented as worthy of the same, by a written mandate, given under the hands of at least thirteen of the trustees of the said college and academy, and sealed with the privy seal belonging to the said corporation, after a public examination of such student or students in their presence, and in the presence of any other persons choosing to attend the same, to be had in the hall of the said college and academy, at least one whole month before the admission to such degree or degrees; *and provided further*, That no person or persons, excepting the students belonging to the said

Degrees.

Mandamus for *students* to be signed by thirteen trustees.

seminary, shall ever, or at any time or times, be admitted to any such degree or degrees, unless with the express mandate of at least two-thirds of the whole number of trustees, first to be obtained under their hands and the privy seal aforesaid, to the provost, vice-provost and professors of the said college and academy directed.

For others, by two-thirds.

And lastly, we do, for us and our successors, grant, declare and ordain, That these our letters patent and charter, and every clause, sentence and article herein contained, shall be in all things firm, valid, sufficient and effectual in the law, unto the said trustees, community and corporation, and their successors, according to the purport and tenor hereof, without any further grant or toleration from us, our heirs and successors, to be procured or obtained; *provided always,* That the clear yearly value of the messuages, houses, manors, lands, tenements, rents, annuities, or other hereditaments and real estate of the said corporation, do not exceed the sum of five thousand pounds sterling. In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said province to be hereunto affixed. Witness, ROBERT HUNTER MORRIS, Esq., our lieutenant governor and commander in chief, in and over our said province of Pennsylvania, and counties of New Castle, Kent and Sussex, on Delaware; this fourteenth day of May, in the twenty-eighth year of the reign of our sovereign, lord George the second, king of Great Britain, France and Ireland, &c., and in the year of our Lord, one thousand seven hundred and fifty-five.

Estate not to exceed 5000*l.* per annum.

ROBERT HUNTER MORRIS.

Recorded 16th June, 1755, Book A, vol. 2, page 193.

AN ACT

Vol. I., Smith's ed., p. 474.

To confirm the estates and interests of the college, academy, and charitable school of the city of Philadelphia, and to amend and alter the charters thereof, conformably to the revolution and to the constitution and government of this commonwealth, and to erect the same into a university. 27*th November,* 1779.

Preamble.

SECT. 1. WHEREAS the education of youth has ever been found to be of the most essential consequence, as well to the good government of states and the peace and welfare of society, as to the profit and ornament of individuals, insomuch that from the experience of all ages, it appears that seminaries of learning, when properly conducted, have been public blessings to mankind, and that on the con-

trary, when in the hands of dangerous and disaffected men, they have troubled the peace of society, shaken the government, and often caused tumult, sedition and bloodshed.

SECT. 2. *And whereas* the college, academy, and charitable school of the city of Philadelphia, were at first founded on a plan of free and unlimited catholicism; but it appears that the trustees thereof, by a vote or by-law of their board, bearing date the fourteenth day of June, in the year of our Lord one thousand seven hundred and sixty-four,* have departed from the plan of the original founders, and narrowed the foundation of the said institution.

* On the minutes of the 14th June, 1764, a letter from the archbishop of Canterbury, Thomas and Richard Penn and Samuel Chandler, addressed to the trustees, is inserted, in which they are congratulated on the success of Dr. Smith's, the provost's collection, in England, and advised of what would be further necessary to the due improvement of the collection and the future prosperity of the institution. "That the institution was originally founded "and carried on for the general benefit of a mixed body of people—that on "the king's brief it is represented as a seminary that would be of great use "for securing capable instructors and teachers, as well for the service of the "society for propagating the gospel in foreign parts, as for other protestant "denominations in the colonies."—That at the time of making the collection, "the provost was a clergyman of the church of England—the vice-"provost, a presbyterian—a principal professor, a baptist, with other useful "professors and tutors, all carrying on the education of youth with great "harmony, and people of various denominations have heretofore contributed "liberally and fully."—That jealousies had arisen lest the foundation should be narrowed, and some party exclude the rest, or put them on a worse footing than they have been or were at the time of the collection, which would be unjust and productive of contentions unfriendly to religion. It was therefore recommended to the trustees, by the writers of the letter, (who had a principal share in procuring the collection) to make a fundamental rule or declaration, to prevent inconvenience of this kind; and in doing which, they were advised that the more closely they kept in view the plan on which the seminary was at the time of the royal brief, and on which it was carried on from the beginning, so much the less cause would any party have to be dissatisfied.

A committee having been appointed to frame a fundamental *Resolve* or declaration, in consequence of the letter, the following was reported and adopted:

"The trustees being ever desirous to promote the peace and prosperity of this seminary, and to give satisfaction to all its worthy benefactors, have taken the above letter into their serious consideration, and perfectly approving the sentiments therein contained, do order the same to be inserted in their books, that it may remain perpetually *declaratory* of the present *wide*

Former charter declared void.

SECT. 3. *Be it therefore enacted, &c.* That the charter of the said seminary, granted by the late proprietaries of Pennsylvania, bearing date the thirteenth day of July, in the year of our Lord one thousand seven hundred and fifty-three, whereby certain persons were incorporated by the name, style and title of The Trustees of the Academy and Charitable School in the province of Pennsylvania, and the additional charter, granted by the same proprietaries, bearing date on the fourteenth day of May, in the year of our Lord one thousand seven hundred and fifty-five, by which the trustees of the same academy and charitable school were again incorporated, by the name, style and title of The Trustees of the College, Academy and Charitable School of the city of Philadelphia, in the province of Pennsylvania, together with all and singular the rights, powers, privileges, emoluments and advantages, and also all the estates, claims and demands to the same corporation belonging, discharged from the afore recited vote or by-law of the said trustees, confining and narrowing the true and original plan of the said institution, which vote or by-law, and all others, contrary to the true design and spirit of the said charter, are hereby declared to be void, be and they are in and by this act, ratified and confirmed to, and for the use and benefit of the same seminary for ever.

SECT. 4. And to the end that the trustees hereinafter named and appointed may be the better enabled to effectuate the pious and praiseworthy designs of the founders, benefactors and contributors of the said college, academy, and charitable school of Philadelphia.

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and excellent plan of this institution, which hath not only met with the approbation of the great and worthy personages above mentioned, but even the royal patronage of his majesty himself. They further *declare* that they will keep this plan closely in their view, and use their *utmost endeavors* that the same *be not narrowed*, nor the members of the church of England, or those dissenting from them (*in any future election to the principal offices mentioned in the aforesaid letter,*) be put on *any worse footing* in this seminary, than they were *at the time of obtaining the royal brief.* They subscribe this with their names, and ordain that the same be read and subscribed by every new trustee that shall hereafter be elected, before he takes his seat at the board." Which appears to have been done from the year 1764, until the union of the college with the university, which took place in the year 1791. [It is difficult to perceive in what respect this resolution narrowed the foundation of the institution.]

SECT. 5. *Be it further enacted*, That it shall and may be lawful for the supreme executive council of this state to reserve such and so many of the confiscated estates, yet unsold and unappropriated, as to them shall appear necessary, in order to create a certain fund for the maintenance of the provost, vice-provost, masters and assistants, and to uphold and preserve the charitable school of the said university. Executive council to reserve confiscated estates not sold.

SECT. 6. *Provided always*, That the yearly income of such estates, so reserved and appropriated to the use of the said university, do not exceed the sum of fifteen hundred pounds, computing wheat at the rate of ten shillings per bushel. Income not to exceed 1500*l*.

SECT. 7. *And provided also*, That such reservation be from time to time laid before the general assembly of this state, for their approbation and confirmation. Legislature to approve.

SECT. 8. *Provided always, and be it enacted*, That the ratifying and confirming the said charter, or any thing herein contained, shall not extend or be construed to extend to the confirmation or establishing any of the said trustees, in the said charter named, or deriving by any election, or pretended election, or appointment by, from, or under them, or any of them, nor to any provost, vice-provost, professor, or other minister or officer of the said seminary, other than such as are hereby, or may hereafter be appointed, (the said board and the faculty being hereby dissolved and vacated) nor shall the same extend to such parts of the charter, as in and by this act are or may be abrogated, annulled, altered, or supplied. Proviso.

SECT. 9. *And be it further enacted*, That from and after the passing of this act, the superintendence and trust, together with all and singular the powers, authorities and estates, real, personal and mixed, of the said college, academy, and charitable school, shall pass to, devolve upon, and be vested in the president of the supreme executive council of this commonwealth, the vice-president of the same council, the speaker of the general assembly, the chief justice of the supreme court of judicature, the judge of admiralty, and the attorney-general for the time being, in virtue of their several offices, and the senior minister in standing of the episcopal churches and congregations, and the senior minister in standing of the presbyterian churches, and the senior minister in standing of the baptist churches, and the senior minister in standing of the Lutheran churches, and the senior minister in standing in the German Calvanist churches, and the senior minister in standing in the Roman Trustees.

churches, whose churches or houses of public worship are or shall be in the city of Philadelphia, or within two miles of the old court house in High street, in the said city, together with the honorable Benjamin Franklin, doctor of laws, minister plenipotentiary from the United States of America to his most christian majesty; the honorable William Shippen, Frederick Muhlenberg and James Searle, esquires, delegates in the congress of the said United States for Pennsylvania; the honorable William Augustus Atlee, esquire, and the honorable John Evans, esquire, justices of the supreme court of judicature; Timothy Matlack, esquire, secretary of the supreme executive council of this state; David Rittenhouse, esquire, treasurer of this state; Jonathan Bayard Smith, esquire; Samuel Morris, senior, esquire; George Bryan, esquire; Thomas Bond, doctor of physic; and James Hutchinson, doctor of physic; which said civil officers, ministers of the gospel and others herein mentioned and appointed, for and during their continuance in the said office and stations respectively, their abode in this state, and lawful capacity to act, and their sucessors for ever hereafter, shall be, remain, and continue the trustees aforesaid, by the name, style and title of THE TRUSTEES OF THE UNIVERSITY OF THE STATE OF PENNSYLVANIA, and shall from henceforth have, hold, use, exercise and enjoy all the powers, authorities, and advantages of the estates, rights, claims and demands of the trustees appointed by, or in pursuance of the charters of the said corporation, or either of them, instead of the said trustees appointed by, or deriving under the said charter, or pretending so to do, in trust, nevertheless, for the proper use of the said university for ever.

College erected into a university.

Proviso.

SECT. 10. *Provided always,* That if any trustee of the said university shall take any charge or office under the said trustees, other than that of treasurer, his place shall thereby be vacated, and in the case of a minister of the gospel taking such charge or office, or neglecting to qualify according to the directions of this act, within one month after personal notice given of his coming to such trust, the next minister in seniority, of the same denomination, shall succeed him, such seniority to be accounted from the time of settlement of such person as minister of a congregation in or near the said city.

Choice of trustee to be approved by legislature.

SECT. 11. *Provided also,* That in case the choice of a new trustee, in the room and stead of any of the persons last named, or their successors, shall be disallowed by the house of assembly

within six months, the trustees shall be obliged to make choice of some other person.

Oath superseded.

SECT. 12. *And be it further enacted*, That instead of the oath or affirmation and declaration which were enjoined and required to be taken and made, by the second or additional charter, herein before referred to, of the said corporation, by the trustees, provost, vice-provost, and professors of the said college, academy, and charitable school, which oath or affirmation and declaration, being totally inconsistent with the independence and constitution of this commonwealth, are hereby abrogated and repealed, the said trustees herein before appointed, and their successors, and the provost, vice-provost, and professors, and every of them, hereafter to be appointed in such manner and form as herein is directed and required, before he or they enter upon the duties of their trust or office, shall before two justices of the peace of the city of Philadelphia, or of some county of this state, take and subscribe the oath or affirmation prescribed by the fortieth section of the constitution of this commonwealth, to be taken by the officers of this state; and also the oath or affirmation of allegiance, directed to be taken by the same officers, in and by the seventh and eighth sections of an act of assembly, made and passed the fifth day of December, in the year of our Lord one thousand seven hundred and seventy-eight, intitled, "*A further supplement to the act, intitled*, "An Act for the further security of the government," and shall also take an oath or affirmation for the faithful discharge of their trust of office aforesaid.

New one appointed.

Former powers to make rules, declared void.

SECT. 13. *And be it further enacted*, That all and every the clause and clauses in the said charters, wherein and whereby the trustees of the said college, academy, and charitable schools are directed and enjoined to make their rules, ordinances and statutes, not repugnant to the laws in force in the kingdom of Great Britain, nor to the laws in force in the province of Pennsylvania, be, and they are hereby annulled, repealed, and made void; and the trustees herein and hereby appointed, are required and enjoined to review the rules, ordinances, and statutes heretofore made by the former trustees of the said seminary, which, so far as they are repugnant to the constitution and laws of this state, are hereby repealed, and to frame the same, if necessary, and all rules, ordinances, and statutes hereafter to be made, consistent with the constitution and laws of this commonwealth.

Matters to be determined by a majority of seven, except, &c.

SECT. 14. *And be it further enacted,* That the business of the said corporation shall and may be transacted, performed, and determined by a major vote of a meeting of seven, at least, of the trustees appointed by this act, and their successors, duly notified and called, other than the choice of new trustees, the nominating and constituting, or the dismissing of the future provost, vice-provost or professors, or any of them; or the alienation or leasing of real estates, for more than seven years, or any extraordinary and new expenditure of the income, or other personal estate of the said corporation, or the altering any salary, or the granting degrees to the scholars of the said university, or to other persons, or to the making any ordinance, statute or by-law; which several enumerated acts and doings may be transacted and performed by a majority of at least eleven of the said trustees, duly notified and convened as aforesaid, and not otherwise.

Former limitation declared void.

SECT. 15. *And be it further enacted,* That the clause in the first charter of the said corporation, whereby the trustees thereof were limited to be inhabitants of Pennsylvania, residing within five miles of the academy and school aforesaid, although license was given in the said charter, to set up the same at any place within the said province, which the said trustees should judge to be most convenient, so far as the same clause limits the appointment of trustees to persons residing within five miles of the said academy and school, be, and the same is hereby annulled, repealed and made void.

Power to sue, &c.

SECT. 16. *And be it further enacted,* That the trustees herein before appointed, and their successors, shall and may ask, demand, sue for, recover and receive all evidences, mortgages, specialties, deeds and instruments, and all papers, books of account and record, and the library, philosophical apparatus, and seals of the said corporation; and all debts, dues and demands to the same owing, belonging, accruing or appertaining. And in case any person or persons having the custody of the said library, apparatus, mortgages, specialties, deeds or instruments, or other papers, books of records of the said corporation, or having possession of the real estate of the said corporation, or any part thereof, shall refuse to deliver up the same when demanded, it shall and may be lawful for the trustees of the said college* to summon any person so refusing

Penalty on former trustees, &c., neglecting or refusing to deliver up books, records, &c.

* The word college inserted by mistake, instead of university, which was corrected by the act of 16th March, 1780, vol. 1, Smith's Laws, p. 502.

before any two justices of the peace of the city or the county where the said real estate lies, or the detainer of any of the records or other articles aforesaid resides, who are hereby authorized and empowered to inquire into the said complaint, in a summary way, and give judgment therein as to them shall seem meet according to the merits and justice of the case; and if such judgment be given against the detainer of any of the said deeds, specialties, mortgages, or other articles before enumerated, and if such detainer shall still refuse to deliver the same, it shall and may be lawful for the said justices, and they are hereby required to commit such refuser to prison, there to remain without bail or mainprise, until the said judgment be complied with. And in the case of real estate, the said justices shall carry such judgment into execution, by issuing a writ of possession to the sheriff of the county, in the same manner as they are authorized to do by an act of assembly, intituled, "*An Act for the sale of goods distrained for rent, and to secure such goods to the person distraining the same, for the better security of rents, and for other purposes therein mentioned,*" in case of tenants holding over their terms: *Provided always,* That if either of the said parties shall demand a jury to be summoned, to try the said matter in dispute, the said justices shall cause a jury forthwith to come before them thereupon, in the same manner as juries are had in the case of tenants holding over their terms as aforesaid; and the said justices shall give judgment pursuant to the verdict of such jury, and proceed to the execution thereof, as is herein and hereby directed.

Style.

SECT. 17. *And be it further enacted,* That the civil officers, ministers of the gospel, and other persons by this act constituted and appointed trustees of the said university, and their successors duly chosen, nominated, be one community, body politic and corporate, to have perpetual succession and continuance forever, by the name, style and title as aforesaid, and that by the said name they shall be capable and able in law to sue and be sued, have and make a common seal, and the same at their pleasure to break and alter, to make rules and statutes, and to do every thing necessary and needful for the good government and perfect establishment of the said university; and the provost, vice-provost and professors hereafter to be appointed and constituted by the trustees aforesaid, shall be named, styled and intitled, the Provost, Vice-Provost. and professors of the same University; and the name, style and title of the

Power to have a common seal, rules, &c.

body or faculty composed of the said Provost, Vice-Provost and Professors shall be The Provost, Vice-Provost, and Professors of the University of the State of Pennsylvania.

Shall submit, accounts, &c. to the inspection of the assembly.

SECT. 18. *And be it further enacted*, That the said trustees shall at all times, when required, submit the books, accounts and economy of the said corporation to the free examination of visitors, to be appointed from time to time by the representatives of the freemen of this commonwealth, in general assembly met.

SECT. 19. *And be it further enacted*, That the trustees appointed by this act, or a majority of them, shall meet in the hall of the university aforesaid, in the forenoon on the first Wednesday in December next, and after being duly qualified as this act prescribes, proceed to the execution of their trust.

AN ACT

2d vol. Laws, Smith's edition, p. 352.

To confirm to the Trustees of the University of the State of Pennsylvania, divers estates therein enumerated, for the support of the said Seminary; and for enabling the Board of Trustees of the said University to choose a new Trustee in the stead of any of their number (not being a trustee in right of office or station) who shall be absent from the meetings of the said corporation during the space of six months.—22*nd September*, 1785.

Preamble.

SECT. 1. WHEREAS by an act of general assembly of this commonwealth, intitled, "An Act to confirm the estates and interests of the college, academy and charitable school of the city of Philadelphia, and to amend and alter the charters thereof, conformably to the revolution, and to the constitution and government of this commonwealth, and to erect the same into a university," which was enacted on the twenty-seventh day of November, in the year of our Lord one thousand seven hundred and seventy-nine, it was for the better enabling the trustees therein named, and thereby appointed, and their successors, to effectuate the pious and praiseworthy designs of the founders, benefactors and contributors of the said seminary of learning, That it should be lawful for the supreme executive council of this state, to reserve such and so many of the confiscated estates which were then unsold and unappropriated, as to them should seem necessary, in order to create a certain fund for

the maintenance of the provost, vice-provost, masters and assistants of the same university, and to uphold and preserve the charitable school thereof: *Provided*, That the yearly income of such estates, so reserved and appropriated to the use of the said university, should not exceed the yearly sum of fifteen hundred pounds, computing wheat at the rate of ten shillings per bushel. *And provided also*, That such reservation be from time to time laid before the general assembly of this state, for their approbation and confirmation.

SECT. 2. *And whereas*, since the passing of the same act, the confiscated real estates hereinafter mentioned and described, have been severally reserved and appropriated by the supreme executive council, in pursuance thereof, for the purposes aforesaid, and the same estates have been delivered to the said trustees accordingly.

[Here follows a list of the confiscated estates.]

Preamble.

SECT. 3. *And whereas*, the real estates herein before described, which have been reserved, set apart and appropriated by the supreme executive council for the purposes aforesaid, at the several valuations thereof, respectively made, by the supreme executive council, and the said real estates purchased as aforesaid, at the prices at which they were severally sold, do not, when considered and taken together, amount to more than the yearly value of one thousand three hundred and eighty-one pounds five shillings and seven pence half penny, computing wheat at the rate of ten shillings per bushel, and it is proper that the same estates and interests herein before enumerated and described, and every of them, should be confirmed to the said trustees, their successors and assigns, for the uses in the act afore recited, set forth and declared.

Reciting that the estates do not amount to more than 1381*l.* 5*s.* 7½*d.*

Estates confirmed to the trustees of university.

SECT. 4. *Be it therefore enacted, &c.*, That the several confiscated estates, lands, tenements and hereditaments and rent charges herein before enumerated and described, with their and every of their rights, members and appurtenances, are hereby fully and absolutely vested in and confirmed unto the trustees of the university of the state of Pennsylvania, their successors and assigns for ever, and for no other use, intent or purpose whatsoever; saving and always reserving to all and every person and persons, bodies politic and corporate, his, her and their heirs and successors (other than the persons attainted or forfeiting the same, and all persons and every person having or claiming any thing in the premises, under or to the use of any such forfeiting person, his, her or their

heirs, executors or administrators) all such estates, rights, titles and interest of, in, to and out of the premises, or any of them, as they or any of them had before the passing of this act, or could or might have had or enjoyed in case this act had not been made.

Preamble.

SECT. 5. *And whereas,* in and by the act aforesaid, certain officers of the commonwealth, and divers ministers of the gospel, in respect of their offices and stations, together with sundry other persons therein named, and the successors of such other persons to be elected and appointed in their room and stead respectively, were constituted trustees of the same university; and although it was provided, in case any of the same persons should remove out of this State, that the office of such trustees should be thereby vacated: yet if any of the same persons shall willingly absent himself from the meeting of the said trustees for the space of one year, no remedy is given, and the business of the seminary may be thereby obstructed, and it is reasonable and proper that such absence should be considered and deemed to be a vacating of the seat of such person at the board of trustees.

Absence for six months from meetings, to vacate seat.

SECT. 6. *Be it therefore enacted,* That if any of the trustees of the university of the State of Pennsylvania, (not being a trustee in right of office or station,) shall willingly be absent from the meetings of the Board of the said trustees, for and during the space of six months, the seat of such absenting trustees shall be deemed to be vacant, and the residue of the said trustees, or such of them as shall regularly be met, not being fewer than eleven, shall and may proceed to elect a successor to such absenting trustee, as they would in case he had formally resigned his seat at the Board of the said trustees of the said university.

Professorship for teaching the learned languages through the German, established.

SECT. 7. *And whereas,* the trustees of the University of Pennsylvania have established a professorship in the same seminary, for teaching the learned languages through the medium of the German tongue, with one or more assistant teachers, as may be requisite.

SECT. 8. *Be it therefore enacted,* That the same professorship and the assistant or assistants aforesaid, shall be continued in the said university to teach the learned languages through the medium of the German tongue, as a part of the system of education carried on therein.

AN ACT

To repeal part of an act, entitled "An Act to confirm the estates and interests of the College, Academy, and Charitable School of the city of Philadelphia, and to amend and alter the Charters thereof, conformably to the revolution and to the constitution and government of this Commonwealth, and to erect the same into a University.—6*th March*, 1789. 22d September, 1785.

Sect. 1. *Whereas*, by the constitution of this commonwealth, it is declared and provided, "That all religious societies or bodies of men, heretofore united or incorporated for the advancement of religion or learning, or for other pious and charitable purposes, shall be encouraged and protected, in the enjoyment of the privileges, immunities and estates which they were accustomed to enjoy, or could of right have enjoyed, under the laws and former constitution of this State." Preamble.

And whereas, by two charters of incorporation, granted by the late proprietaries of Pennsylvania, there existed within this commonwealth, on the twenty-seventh day of November, in the year of our Lord one thousand seven hundred and seventy-nine, an ancient corporation and body politic, by the name, style and title, of "*The Trustees of the College, Academy and Charitable School of Philadelphia, in the province of Pennsylvania*," which corporation, at the time of passing the act hereinafter mentioned, was seized, possessed of, and intitled unto many rights and franchises, and divers estates, real, personal and mixed, and by the constitution and laws of this State, was intitled to the public protection and encouragement, in the enjoyment and free use and exercise thereof, in in conformity to the original design, will and intention of the founders, donors and benefactors of the said seminary of learning, in the same manner as it could of right have held, occupied and enjoyed the same, under the former laws and constitution of this State.

And whereas, by the said hereinafter mentioned act, which was passed on the said twenty-seventh day of November, in the year of our Lord one thousand seven hundred and seventy-nine, the said trustees and corporation, and also the provost, vice-provost, professors, and all other masters, teachers, ministers and officers of the Preamble.

said college, academy and charitable school, were without *trial by jury*, legal process, or proof of misuser or forfeiture, deprived of their said charters, franchises and estates, and the said Board of Trustees and faculty were declared to be "dissolved and vacated, and the superintendence and trust, together with all and singular the powers, authorities and estates, real, personal and mixed, of the said college, academy and charitable school, were by the said act, declared to pass to, devolve upon, and be vested in a new corporation or body politic, thereby created and established, by the name, style and title, of "*The Trustees of the University of the State of Pennsylvania*," to have, hold, use, exercise and enjoy all the powers, authorities and advantages of the estates, rights, claims and demands of the trustees heretofore appointed by or in pursuance of the charters of the said (ancient) corporation, or either of them;" all which is repugnant to justice, a violation of the constitution of this commonwealth, and dangerous in its precedent to all incorporated bodies, and to the rights and franchises thereof.

Repeal of Act 27 Nov. 1779.

SECT. 2. *Be it therefore enacted*, That so much and all such parts of an act of general assembly of this commonwealth, passed on the said twenty-seventh day of November, in the year of our Lord one thousand seven hundred and seventy-nine, entitled "An Act to confirm the estates and interests of the college, academy and charitable school of the city of Philadelphia, and to amend and alter the charters thereof, conformably to the revolution, and to the constitution and government of this commonwealth, and to erect the same into a university," as touch, or in any wise concern or relate to the said ancient corporation, which was styled and known by the said name and title of "The Trustees of the College, Academy and Charitable School of Philadelphia, in the province of Pennsylvania," or the said charters thereof, or either of them, or as touch or in any wise concern or relate to the former rights, franchises, immunities or estates, real, personal, or mixed thereof, or as tend to disqualify or disable the said trustees to act as a body politic, under the charters aforesaid, or to disqualify, deprive, or disable the body and faculty of the college and academy, known and distinguished in the charter, dated the fourteenth day of May, one thousand seven hundred and fifty-five, by the name, style and title, of "*The Provost, Vice-Provost, and Professors of the College and Academy of Philadelphia, in the province of Pennsylvania*," or

any of them, from carrying on the design and purposes of the said college, academy and charitable school, or to disfranchise or deprive them, or any of them, of any privileges, immunities or estates whatsoever, or of any part or parcel thereof, or as vests the same or purports and intends to vest the same, or any part or parts thereof, in "*The Trustees of the University of the State of Pennsylvania*," shall be, and the same and every such part and parts thereof, is and hereby are repealed and made null and void, to all intents and purposes whatsoever.

Parts of the Act of Nov. 27, 1779, repealed.

SECT. 3. *And be it further enacted*, That the trustees of the college, academy and charitable school aforesaid, who were deprived and disabled, or intended so to be, by, and in pursuance of the said act, and the survivors of them and their successors, by the name, style, and title of "The Trustees of the College, Academy, and Charitable School of Philadelphia, in the commonwealth of Pennsylvania," and the provost, vice-provost, and professors, who as a faculty, were deprived and disabled, or intended so to be, by, and in pursuance of the said act, and the survivors of them and their successors, by the name and style of "The Provost, Vice-Provost, and Professors of the College and Academy of Philadelphia, in the commonwealth of Pennsylvania," shall be reinstated and restored, and they and each of them are hereby reinstated and restored to all and singular the rights, franchises, emoluments, offices, trusts, and estates, real, personal, and mixed, which they and each of them held and enjoyed, or ought or could of right have had, held, and enjoyed, or were entitled unto, according to the said charters and the laws and constitution of this state, on the said twenty-seventh day of November, in the year of our Lord one thousand seven hundred and seventy-nine; and they and each of them and their successors, shall, and may ask, demand, sue for, recover, and receive the same and each and every part and parcel thereof, and shall hold and enjoy, use, and exercise the same, and every part and parcel thereof, in the same manner and as fully and freely as if the said act had never been passed. *Excepting always*, so much of the rents, issues, and profits of the said real estate and estates, as were received by the said trustees of the university before the second day of March instant, which shall be considered, and they are hereby considered, as having been duly laid out by and expended, in the education of youth, and therefore, no account shall be rendered thereof; and *excepting also*, such sum or sums of

Trustees reinstated, &c.

Exceptions as to disbursements, &c.

money as have been paid in discharge of the just debts, contracts, and engagements of them, "The Trustees of the said College, Academy, and Charitable School," entered into and subsisting on or before the said twenty-seventh day of November, in the year of our Lord one thousand seven hundred and seventy-nine; and *excepting also*, such bonds, mortgages, and other specialties, of the former estate of the said last mentioned trustees, as have been transferred, cancelled, or discharged by them, the trustees of the university, for the value of which only (without any account of the interest, actually received) they shall be accountable to the trustees of the said college, academy, and charitable school; and *excepting lastly*, certain lots of ground in the town of Norris, and county of Montgomery, which were given for the publick use and service of the said county, and certain other lots which have been contracted for, sold, and conveyed by the said trustees of the university, for the purpose of building and improving in the said town; for the value of which lots only as they were contracted for, sold, and payment received by the said trustees, they shall be liable and accountable to the trustees of the said college, academy, and charitable school, and the said lots and every of them shall be, and hereby are confirmed, to the several purchasers thereof, on the payment of the purchase money and arrears thereof, yet due to the trustees of the said college, academy, and charitable school, in the same manner as such purchase money and arrears thereof yet due, ought to have been paid to the trustees of the said university, according to the several contracts for the sale and conveyance of the said lots duly and *bona fide* made by them before the third day of February last.

Trustees of, authorized to regain possession, &c.

SECT. 4. *And be it further enacted*, That the trustees of the said college, academy, and charitable school and their successors, by the name, style, and title of The Trustees of the College, Academy, and Charitable School of Philadelphia, in the commonwealth of Pennsylvania, and the provost, vice-provost, and professors of the said college and academy and their successors, by the name and style of The Provost, Vice-Provost, and Professors of the College and Academy of Philadelphia, in the commonwealth of Pennsylvania, shall respectively be entitled to, and shall have and pursue the like speedy, summary, and effectual means and remedies, for regaining and reinstating themselves in, and for having and possessing themselves of all and singular the rights, franchises, offices, trusts, and immunities, and estates, real, personal, and mixed, to

which they or either or any of them are in, and by this act restored, or which is hereby vested in them or either or any of them, together with all books, papers, and writings, touching or concerning the same or any part thereof, as were given, or mentioned and intended to be given, in and by the said in part recited act, and also in and by any other act or acts of general assembly of this commonwealth, to the trustees of the university therein mentioned, or which they could thereby have or pursue for acquiring or possessing themselves of all or any part or parts of the estate or estates, real, personal, or mixed, rights, franchises, offices, trusts, or immunities, in and by the said in part recited act, transferred to or vested in them the said trustees of the university aforesaid, or of any books, papers, or writings, relating thereto; and all and every person and persons are hereby enjoined and required to govern and demean themselves accordingly, under the like pains and penalties as are in and by the said acts mentioned.

AN ACT

To unite the university of the state of Pennsylvania, and the college, academy, and charitable school of Philadelphia, in the Commonwealth of Pennsylvania, September 30th, 1791.

Nov. 27, 1779, to March, 1789.

WHEREAS the trustees of the university of the state of Pennsylvania, and the trustees of the college, academy, and charitable school of Philadelphia, in the commonwealth of Pennsylvania, by their several petitions have set forth, that they have agreed to certain terms of union of the said two institutions, which are as follow:

Preamble reciting the terms of Union.

First. That the name of the institution be "*The University of Pennsylvania*," and that it be stationed in the city of Philadelphia.

Second. That each of the two boards shall elect, from among themselves, twelve persons, who, with the governor for the time being, shall constitute the board of trustees of the university of Pennsylvania; and that the governor shall be president.

Third. That the professors which shall be deemed necessary to constitute the faculty in the arts and medicine, respectively, shall be taken from each institution equally; and in case of an odd number, such one to be taken from either by the choice of the trustees; and that the provost and vice-provost, or the principal officer or officers of the faculty, by whatever name or names they may be called, shall be chosen from among the professors so appointed.

Professors to constitute a Faculty of Arts and Medicine.

Charity Schools.

Fourth. That charity schools shall be supported, one for boys, and the other for girls.

Election of Trustees.

Fifth. That for the future every vacancy in the board, except that of governor, shall be filled up by election by ballot, by a majority of the members present, at any meeting of the new board, the members present to be at least thirteen; that due and timely notice of such election be at all times given, and that no person shall be elected to fill up such vacancy at the same meeting in which he shall be nominated.

Sixth. That the funds and property of the institutions shall be united, and vested in the new trustees.

Thirteen necessary to elect Professor. Notice previous nomination.

Seventh. That the professors and officers composing the faculty shall be elected by a majority of the members present at any meeting of the new board, the number present to be at least thirteen; that due and timely notice of such election shall at all times be given, and that no person or persons shall at any time be elected such professor or officer at the same meeting in which he shall be nominated.

Two-thirds necessary to a removal of a Professor. Notice, &c.

Eighth. That no professor or officer of the faculty shall be removed by a less number than two-thirds of the members present at any meeting of the new board, the members present to be at least thirteen; and that due and timely notice of such intended removal shall at all times be given, and that no person or persons shall at any time be removed at the same meeting in which such removal shall be proposed.

Sec. 5.

Ninth. That the board of trustees shall annually lay before such persons, as the legislature shall in the incorporating act direct, a statement of the funds of the institution.

And the said trustees, by their several petitions have prayed, that a law may be passed to enable them to carry the said terms of union into effect, and to incorporate them in one body, according to the purpose and intention expressed in the said terms of union.

Twelve trustees he chosen from each board, and returned to the governor.

SECT. 1. *Be it therefore enacted*, That, in pursuance of the second article of the said terms of union, the trustees of the university shall elect twelve persons from among themselves to be trustees of the said university after the union, and shall certify the names of the said twelve persons, so elected, to the governor of this commonwealth, on or before the first day of December next; and that the trustees of the said college, academy, and charitable school, shall elect twelve persons from among themselves, to be trustees of the

said university after the union, and shall certify the names of the said twelve persons, so elected, to the governor of this commonwealth, on or before the first day of December next.

Persons so elected, shall become a corporation under the style, to be stationed in Philadelphia. Governor to be President.

SECT. 2. *And be it further enacted*, That from and after such certificates of the elections being so made to the governor, as aforesaid, the said twenty-four persons so elected and certified, together with the governor for the time being, who shall always be president, and their successors, duly elected and appointed, as herein and by the said terms of union is directed, be, and they are hereby made and constituted a corporation and body politick, in law and in fact, to have continuance for ever by the aforesaid name, style, and title of "THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA," and that the said university shall at all times be stationed in the city of Philadelphia.

SECT. 3. *And be it further enacted*, That the said trustees, and their successors, shall be able and capable in law to sue and be sued, by the name, style, and title aforesaid, and to have and to make one public and common seal, and also one private seal to use in their affairs, and the same, or either of them, to break and alter at their pleasure; and to make rules and statutes not repugnant to the laws and constitution of this state, or of the United States of America, and to do every thing needful and necessary to the establishment of the said university, and for their own good government, and the good government and education of the youth belonging to the same, and to constitute a faculty, or learned body, to consist of such head or heads, and such a number of professors in the arts and sciences, and in law, medicine, and divinity, as they shall judge necessary and proper, consistent with the aforesaid articles of union.

Powers.

Estates of the former institutions vested.

SECT. 4. *And be it further enacted*, That all and every the estates, real, personal, and mixed, moneys, effects, debts, claims, and demands, either in law or equity, which at present are vested in, or belong to each of the two boards of the trustees of the said university, and of the said college, academy, and charitable school, who are hereby united and incorporated together, shall be, and they hereby are, transferred to and vested in the said trustees herein directed to be appointed and incorporated, and their successors, with full power to take, receive, hold, use, recover, and enjoy the same, according to the purpose, true intent, and meaning of this act, and that in like manner, all claims, rights, and demands, of any person

or persons, bodies politiek and eorporate, against either of the said two boards, shall be and remain valid and effectual against the trustees herein directed to be appointed and incorporated, and their successors, with power to demand, receive, and recover the same, as if they had been originally contracted by, or due, or recoverable from, the said trustees herein directed to be appointed and incorporated.

Statement to be laid before the legislature.

SECT. 5. *And be it further enacted*, That pursuant to the ninth article of the terms of union, the trustees shall annually lay a statement of the funds of the institution before the legislature of the commonwealth.

From the Minutes of the 8th November, 1791.

His excellency Thomas Mifflin, Governor of the Commonwealth of Pennsylvania, having received certificates of the election of the trustees of the University agreeably to the foregoing Act, and having caused the persons in the said certificates respectively to be notified thereof, and also to meet at the office of the secretary of the commonwealth, at the state house in the said city, on Tuesday the eighth day of November, in the year 1791, the following gentlemen, with the governor, met in pursuance of such notice, viz.

1.	The Hon. Thomas M'Kean, LL. D.	
2.	Charles Pettit,	Elected by the Trustees of the University of the State of Pennsylvania.
3.	The Rev. James Sproat, D. D.	
4.	Jonathan B. Smith,	
5.	Jonathan D. Sergeant,	
6.	James Irvine,	
7.	John Bleakley,	
8.	John Carson,	
9.	David Rittenhouse,	
10.	David Jackson,	
11.	Jared Ingersoll,	
1.	The Rt. Rev. Wm. White, D. D.	Elected by the Trustees of the College, Academy, and Free School.
2.	The Rev. Robert Blackwell, D. D.	
3.	The Hon. Ed. Shippen,	
4.	William Lewis,	
5.	Robert Hare,	
6.	Samuel Powell,	
7.	David H. Conyngham,	
8.	Wm. Bingham,	
9.	Thomas Fitzsimmons,	
10.	Geo. Clymer,	
11.	Edward Burd,	
12.	Samuel Miles,	

And the said Act having been read, the governor exhibited the certificates of the election made in pursuance of the first section thereof, by which it appeared that the persons above named, and Henry Kuhl, elected by the trustees of the university, were respectively elected by the trustees of the two institutions to be trustees of the new institution under the name of "*The University of Penn-*

sylvania," with the corporate style and title of *" The Trustees of the University of Pennsylvania"*—Whereupon the said trustees, with the governor of the commonwealth, formed themselves into a Board, and proceeded to organize the said institution. Agreeably to the third section of the articles of union the following persons were, on the 23d of January, 1792, elected to the Professorships annexed to their names respectively, viz. to constitute the Faculty of Medicine.

William Shippen, jr., Professor of Anatomy, Surgery, and Midwifery.

Caspar Wistar, Adjunct Professor of the Same.

Adam Kuhn, Professor of the Practice of Physic.

Benjamin Rush, Professor of the Institutes and Clinical Medicine.

James Hutchinson, Professor of Chemistry.

Samuel Powel Griffiths, Professor of Materia Medica.

Benjamin S. Barton, Professor of Natural History and Botany.

And on the 9th of April, 1792, to constitute the Faculty in the Arts,

The Rev. John Ewing, D. D. Professor of Natural Philosophy.

The Rev. John Andrews, D. D. Professor of Moral Philosophy.

Mr. James Davidson, Professor of the Learned Languages, viz. of the Latin and Greek.

Mr. Robert Patterson, Professor of Mathematics.

The Rev. William Rogers, D. D. Professor of English and the Belles Lettres.

The Rev. Henry Helmuth, D. D. Professor of the German and Oriental Languages.

And on the 26th day of April, in the same year, the Rev. John Ewing, D. D. was elected Provost, and the Rev. John Andrews, D. D. Vice-Provost, of the University of Pennsylvania.